

Free Speech Union briefing

How Free Speech Friendly are the Major Payment Processors and Crowdfunding Platforms?

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PayPal

Introduction

When payment processing company PayPal orchestrated a wave of partisan cancellations in September 2022, withdrawing services from numerous organisations including the Free Speech Union (FSU), thousands of FSU supporters cancelled their PayPal accounts in an incredible show of solidarity and support for freedom of expression. In the face of mass account closures, PayPal was forced to U-turn.

But PayPal's actions represent a new and dangerous fault line in the fight for free speech. Many of the groups targeted for cancellation were characterised by scepticism of modern orthodoxies on subjects like identity politics and Covid-19, but the targeting of the FSU, which simply defends the right to express politically contentious views, suggests PayPal is hostile to the very concept of free speech. Unelected corporations cannot be allowed to use their power to limit the speech rights of customers whose political views they disapprove of. The FSU's account was eventually reinstated by PayPal after we kicked up an almighty fuss, but many accounts closed for similar reasons have not been. We are lobbying for a change to the law that will make it illegal for payment processing companies like PayPal to engage in this new, sinister form of cancel culture.

Although PayPal usually refuses to disclose its reasons for closing accounts – beyond vague language about violating its Acceptable Use Policy – some account holders, including the FSU, were told that they had violated PayPal's prohibition on "activities that promote hate, violence or racial intolerance". While PayPal provided no evidence of these supposed violations – and we cannot think what they might mean – such subjective terminology can easily be weaponised to silence users whose political views PayPal disagrees with.

In light of what happened to us, we decided to look at the policies of the leading payment processors and crowdfunding platforms to see if others have similarly subjective language in their terms and conditions and to determine which ones, if any, will protect their users' right to free speech.

In particular, we've assessed whether policies around 'misinformation', 'hate speech', 'offence' and 'intolerance' can be weaponised against users who challenge the prevailing orthodoxy on topics like Covid-19 and transgender activism. At one point, a PayPal spokesperson told the *Times* that the reason the Free Speech Union's account had been closed was because it shared a director with the *Daily Sceptic*, the news blog published by Toby Young, and the *Daily Sceptic* was guilty of pushing 'misinformation' about the Covid-19 vaccines. That may also have been the reason PayPal cancelled the accounts of Us for Them, a children's welfare group that campaigned against school closures in the UK during the Covid-19 pandemic, and the UK Medical Freedom Alliance, which promotes informed consent and medical transparency around the Covid-19 vaccines. PayPal also closed the account of biologist and commentator Colin Wright in June of this year. Wright's sin is that he's been critical of gender identity ideology. PayPal wouldn't disclose its reason for deplatforming him, but Etsy, the online retailer, also closed his account, claiming that the merchandise he sold – which bore the name of his Substack account – violated its policy against merchandise that “promotes, supports, or glorifies hatred or violence towards protected groups”.

We've also assessed whether a platform's policies could be applied to a user's conduct that's completely unrelated to their use of that platform. It's not uncommon for payment processors and crowdfunding sites to have policies allowing them to close a person's account because they object to something they have said on social media. Relatedly, our review examines whether there's any right of appeal if a customer is demonetised, which would provide him or her with an opportunity to clear up any misunderstandings that have led to account closure or make the case that, say, refusing to use a trans person's preferred gender pronouns is not 'hate speech'.

The rules governing the conduct of global financial services companies like payment processors and crowdfunding platforms are complex, but users should be aware of a couple of overarching issues that have a bearing on free speech.

The first is the relationship platforms have with third parties. Most payment processors and crowdfunding platforms will themselves be bound by business-to-business terms and conditions with service providers like Visa and MasterCard. Similarly, crowdfunding platforms may be bound by their terms and conditions with payment processors like PayPal. For

example, a crowdfunding platform like Ko-fi cannot do business without maintaining a relationship with payment processor Stripe, and both companies are in turn dependent for their existence on a relationship with third party financial partners like Visa and MasterCard. This means that end users of these platforms can be subject to a hierarchy of intersecting terms and conditions – a form of intersectional oppression, if you will – that can make it difficult to pinpoint where any censorship originates. Stripe and Ko-fi could be staffed exclusively by free speech supporters and still be compelled by their third-party business relationships to deplatform users for purely political reasons. As Rainey Reitman wrote for the Electronic Frontier Foundation:

MasterCard and Visa are behemoth payment service providers, able to dictate through their internal policies what type of speech will and won't be acceptable online. Other payment providers, including smaller entities like PayPal, Stripe and many of the Bitcoin payment service providers, are bound by their agreements to Visa and MasterCard.

While both Visa and MasterCard have made statements to the effect that they don't make political judgements about their customers, both retain clauses in their terms and conditions that forbid 'brand' or 'reputation' damaging activities, terms that could be interpreted to withdraw service from users for political reasons.

The second overarching issue that users concerned about free speech should be aware of relates to choice of law issues. While some platforms, like PayPal, have separate policies for different legal jurisdictions, some bind users to the laws of one geographical area regardless of where the service is being used. Patreon's policies, for example, specify that all disputes must be settled in San Francisco under Californian law, meaning that Patreon users in the UK might find themselves subject to American legal interpretations of terms like 'hate' that differ to those used in UK law.

With these broader issues in mind, we'll look at PayPal's behaviour in September 2022 as a case study before assessing other payment processors and crowdfunding platforms.

PayPal: A Case Study in Authoritarian Censorship

PayPal's policies are broad, interconnected and difficult to understand, even for IT lawyers well-versed in terms and conditions. PayPal's [User Agreement](#) contains the overarching rules that customers are supposed to observe, but in accepting the User Agreement PayPal customers also agree to be bound by the [Acceptable Use Policy](#). Both the US and UK User Agreements and Acceptable Use Policies contain wording that could be invoked to suppress lawful speech. The User Agreement's section on "Restricted Activities" states that PayPal users must not "provide... inaccurate or misleading information". 'Misleading' is a particularly vague term which could easily be applied to perfectly lawful content that challenges the World Health Organisation's advice on Covid-19, even though that advice has changed many times over the past two-and-a-half years. Indeed, this seems to be what happened to campaign groups Us for Them and the UK Medical Freedom Alliance (UKMFA), with both groups campaigning against the lockdown and associated Covid restrictions and being targeted in PayPal's wave of September cancellations. The Acceptable Use Policy further prohibits users from "the promotion of hate, violence or other forms of intolerance that is discriminatory". It's not hard to imagine how words like 'hate' can be interpreted by people on one side of a politically-charged debate as an accurate description of their opponents' views, thereby licensing them to censor those views while telling themselves they're not opposed to free speech, just hate speech. Indeed, when PayPal reinstated the Free Speech Union's account, it [declared](#) "we are strong supporters of freedom of expression".

Ambiguous wording in the PayPal User Agreement specifying that it applies "in the course of your interactions with... third parties" suggests it isn't just when using PayPal's services, or engaging in activities facilitated by PayPal, that the prohibition on promoting 'hate' and 'intolerance' applies. Further, the User Agreement forbids users from controlling "an account that is linked to another account that has engaged in any of these restricted activities". This empowers PayPal to make mass account cancellations based simply on guilt by association. This provision appears to have

underpinned the cancellation of Toby Young's personal PayPal account at the same time as the company closed the accounts of the FSU and the *Daily Sceptic*. Likewise, the personal account of Liz Evans, the head of the UKMFA, was withdrawn at the same time that UKMFA's PayPal account was cancelled.

However, the really startling thing about the PayPal User Agreement is that it authorises PayPal to collect up to \$2,500 in "liquidated damages" from users it deems to have violated the Acceptable Use Policy. Many of the accounts cancelled by PayPal in September 2022 were informed that their funds would be held for 180 days while PayPal decided whether to deduct these 'damages' from their deposits.

The \$2,500 damages figure (in reality, a fine) appears to have been added to PayPal's US User Agreement in September 2021, alongside additions to the Acceptable Use Policy's list of "prohibited activities". The UK User Agreement was likewise updated in March 2022. On 26th September 2022, one day before PayPal restored the accounts of the FSU and *Daily Sceptic*, PayPal announced another such update to the US Acceptable Use Policy, scheduled to go live on 3rd November. The update would have empowered PayPal to withdraw service and fine users at its "sole discretion" for a vast array of highly subjective new speech crimes. Users were informed that they must not use PayPal for activities that "are harmful... or objectionable" (objected to by whom?) or that "promote, or incite hatred or discrimination of protected groups of individuals or groups based on protected characteristics (e.g. race, religion, gender or gender identity, sexual orientation, etc)". Activities that PayPal deemed "a risk to... wellbeing" were also banned, as was the promotion of "misinformation". Finally, PayPal assigned itself the right to withdraw service and fine users if it believed they had shared any materials "otherwise unfit for publication".

The timing of this proposed update, published just one day before PayPal was forced to back down in the face of massive public backlash and restore some of the accounts that it had censored, suggests that they had become aware that they might face legal consequences for discriminating against customers whose lawful views diverged from their own. The proposed 3rd November update to the Acceptable Use Policy was *intended* to introduce further ambiguity and subjectivity into PayPal's policies, because its exclusive purpose was to lend an appearance of legality to PayPal's politically motivated censorship. All of these activities could result in users being fined up to \$2,500.

However, PayPal seriously underestimated the public's support for free speech and the level of anger its actions would provoke. Shares in the company plummeted 6% in the wake of the proposed update while Google searches for the term 'delete PayPal' went up by a staggering 1,392%, while '#BoycottPayPal' began trending on Twitter. Even David Marcus, a former President of PayPal, took to social media to condemn the company's actions, writing: "A private company now gets to decide to take your money if you say something they disagree with. Insanity." Elon Musk, who co-founded PayPal, said he agreed with Marcus.

In the face of this backlash, PayPal were forced to do another U-turn. On 10th October, a PayPal spokesman said that the policy update due to go live on 3rd November had "included incorrect information", adding: "PayPal is not fining people for misinformation and this language was never intended to be inserted in our policy." No comparable revision of the other updates to its Acceptable Use Policy was announced, so it remains an open question whether, in future, users could still be fined \$2,500 for all the other sins – using PayPal for 'objectionable' activities, for instance. However, on 3rd November no element of the update appeared on PayPal's website.

In a [statement](#) to the *Telegraph* about the September 2022 cancellations, a PayPal spokesman said

Achieving the balance between protecting the ideals of tolerance, diversity and respect for people of all backgrounds and upholding the values of free expression and open dialogue can be difficult, but we do our best to achieve it.

However, PayPal's withdrawn policy update shows exactly which side of that difficult balance PayPal comes down on. The company's current policy continues to permit it to close accounts and fine users up to \$2,500 for activities it believes promote 'hate', 'intolerance' or 'misleading' information and consequently to allow PayPal to take draconian action against users if it disagrees with their lawfully held views. The FSU was only able to challenge PayPal's censorious behaviour by mobilising our supporter base and provoking a massive exodus of customers, as well as rallying political support. Most individual PayPal users persecuted for saying something the company considers politically incorrect will not have that option.

Payment Processors



Worldpay is an online payment service that enables users to collect payments digitally.

Worldpay's [Merchant Services Agreement](#) for UK users makes no reference to highly subjective concepts like 'hate' and 'offence'. While one clause states that users must "refrain from doing anything which we reasonably believe to be disreputable or capable of damaging the reputation or goodwill of us, or any Other Financial Institution, Other Payments Organisation or the Card Schemes", this is the only language in the Agreement that is open to exploitation.

Unlike other payment processing policies we've reviewed, Worldpay's terms read more like a traditional financial services agreement. Beyond obvious prohibitions on unlawful activity, there is little editorialising about what users may choose to do with Worldpay's services. While many payment processors appear to augment their general terms and conditions with an 'Acceptable Use Policy' that often contains the anti-free speech clauses, Worldpay doesn't. Instead, sector-specific terms and conditions apply to certain types of businesses considered financially risky, such as cryptocurrency and gambling. The sector-specific terms and conditions appear to contain no additional subjective wording that would give Worldpay an excuse to deplatform its users for political reasons.

Given the neutral framing of Worldpay's terms and conditions and the conspicuous absence of the company in recent free speech scandals involving payment processors, the FSU recommends Worldpay as a free speech friendly platform.

Free Speech Score: 8/10

Recommendation: Use



Stripe is a payment processing company with clients including the Ford Motor Company, Spotify and Twitter (and the Free Speech Union). Stripe has been open about restricting some businesses based on the dictates of their financial 'partners'. But the same blog post that makes this clear, authored by former Stripe employee Danika Lyon, offers users concerned about free speech some cause for optimism:

Stripe doesn't independently reject businesses based on brand risk – we have many unpopular businesses and causes on Stripe – but we're at times obliged to enforce the restrictions of our partners. This category is highly subjective and therefore the one we like enforcing least. We don't think Stripe should be accepting or rejecting businesses based on a subjective determination of brand impact.

Stripe's policies broadly back up this stated desire to avoid making subjective judgements about the activities or views of users. It gets a cautious thumbs up from the FSU.

The Policy on Prohibited Businesses (PPB) contains a limited amount of general wording that might be abused to restrict free speech on the grounds of 'misinformation', but this risk is considerably minimised by qualifications around context. So, while the PPB prohibits "businesses that make outrageous claims" and "any other businesses that Stripe considers... deceptive", this language is used in the context of pyramid and get rich quick schemes. This considerably mitigates the potential exploitation of terms like 'outrageous' and 'deceptive' to justify, for example, the censorship of heterodox views on Covid-19. We can be cautiously optimistic that the reference to financial scams in Stripe's policies limits the potential exploitation of this wording to censor politically contentious views.

Likewise, while Stripe's PPB contains some subjective language concerning hostility directed towards people with protected characteristics, this is heavily qualified by the use of the term 'unlawful violence'. The PPB reads:

You must not use Stripe services for... Any business or organization that... engages in, encourages, promotes or celebrates unlawful violence toward any group based on race, religion, disability, gender, sexual orientation, national origin, or any other immutable characteristic.

Admittedly, that's slightly odd. Does Stripe permit the use of its services for the promotion of unlawful violence that's based purely on personal animosity? Nevertheless, it is an improvement on policies that use the highly subjective language of 'hate' and 'intolerance'. Just prohibiting the promotion of 'unlawful violence' sets a high threshold. Although it is not beyond the realms of possibility that vexatious complainants might try to frame lawful speech about, for example, single sex spaces as promoting 'unlawful violence' against transgender people, Stripe's policy seems intended to deter this kind of censorship.

Free Speech Score: 7/10

Recommendation: Use

amazon pay

Amazon Pay is a payment processing service that allows users to make online payments via their Amazon account.

Amazon Pay's US [Acceptable Use Policy](#) contains wording that could plainly be exploited to withdraw service from users for political reasons. The policy prohibits "Inappropriate or Offensive Items or Activities", including "any good or service... that would be generally offensive to others". Examples include "items that defame or slander others, hate literature, occult materials, and any other items or activities that in our judgement are... inappropriate or offensive in connection with our services". The term 'offensive' is in no way qualified by reference to lawfulness and the addition of "any other... activities" suggests that the policy might be applied to users activity that has no connection to Amazon – on social media, for instance.

Although the list of examples is intended to provide clarity, it only introduces further ambiguity. Take the prohibition on 'occult materials'. Some evangelical Christians believe that the *Harry Potter* series is 'occult',

leading children towards Satanism and witchcraft. According to their interpretation of the term 'occult', Amazon Pay's policies could authorise the organisation to withdraw service from anyone purchasing *Harry Potter* books. This is an extreme example of how subjective language can be exploited by those seeking to impose their partisan beliefs on others. Given the tremendous amount of money generated for Amazon by the sale of *Harry Potter* books, the company is unlikely to interpret 'occult' in this way. But Amazon's public statements and actions in relation to the transgender debate suggest it may be willing to interpret terms like 'hate' and 'offensive' in a way that proscribes lawful speech.

In June 2022, Amazon spokesman Brad Glasser said that Amazon is "working at the US federal and state level on legislation, including supporting passage of the Equality Act". The American Equality Act would make gender identity a protected characteristic in the USA, which many campaigners believe could undermine women's sex-based rights. In other words, the company has taken sides in this ongoing public debate, suggesting it doesn't set a high value on political neutrality. In 2018, Amazon removed Ryan Anderson's book *When Harry Became Sally: Responding to the Transgender Moment* from sale because "we have chosen not to sell books that frame LGBTQ+ identity as a mental illness". Although the company has resisted calls from a staff protest group called 'No Hate at Amazon' for similar books, such as *Irreversible Damage* by Abigail Shrier, to be removed from sale, it has never restored Anderson's book. As such, the FSU cannot recommend Amazon Pay as a platform that respects free speech.

Free Speech Score: 4/10

Recommendation: Avoid



Shopify describes itself as a "complete commerce platform", enabling users to build customisable online shop fronts and sell products across a range of digital platforms. Shopify has stated: "We believe the free and open exchange of ideas and products is a key tenet of commerce." But while Shopify's [Terms of Service](#) are broadly neutral, users concerned about free speech should take note of a few issues, particularly regarding

its [Acceptable Use Policy](#).

The Terms of Service specify that Shopify users agree to be bound by the terms and conditions of “Third Party Providers”, with Apple Pay, Google Pay and Meta Pay listed specifically. As discussed, this makes users subject to a hierarchy of intersecting terms and conditions, not all of which are pro-free speech. The company also retains the power to “cancel an existing account, for any reason, at our sole discretion” meaning that it could withdraw service from a customer for political reasons without reference to any policy violation. While the Terms of Service forbid “abuse of any kind” by customers, this only applies to abuse of Shopify’s staff. However, Shopify goes on to say:

We may make changes that materially adversely affect your use of the Services or your rights under the Terms of Service at any time and with immediate effect... to restrict products or activities that we deem... inappropriate, or offensive.

Words like ‘inappropriate’ and ‘offensive’ are clearly open to censorious interpretation and the Acceptable Use Policy expands that subjectivity by prohibiting “hateful content”:

You may not use the Services to promote or condone hate or violence against people based on race, ethnicity, color, national origin, religion, age, gender, sexual orientation, disability, medical condition, veteran status or other forms of discriminatory intolerance. You may not use the Services to promote or support organizations, platforms or people that... promote or condone such hate.

The ambiguity of the term ‘hate’ raises questions about how this policy could be used to withdraw service from people expressing perfectly lawful views. For example, a product lawfully depicting the Charlie Hebdo cartoons of the Prophet Muhammed might still be deemed by some people to “promote or condone hate” against Muslims. Similarly, a clause in Shopify’s [Rules of Engagement for the Sale of Covid-19 Related Products](#) says “claims must be true and supported by documented evidence”. That, too, has the potential to be weaponised against customers exercising their lawful right to free speech on a topic where the truth of ‘claims’ is highly contested. What counts as “documented evidence”, for instance?

The clause on ‘Hateful content’ does specify that violations must be in

connection with the use of the service, which appears to suggest that content external to Shopify – for example, on users social media pages – would not be covered by the terms of the policy. However, a later clause in the Acceptable Use Policy states that Shopify may terminate an Account based on “activities outside of your use of the services”. This appears to bring Shopify users general behaviour into the orbit of its policy, meaning it could withdraw service simply because of something posted on social media. To make matters worse, Shopify doesn’t consider appeals: “Our determination of whether a violation of this AUP has occurred will be final and binding.” Shopify is therefore under no obligation to consider mitigating circumstances or conflicting interpretations.

Shopify has made conflicting public statements about its stance on free speech. In 2017, Shopify CEO Tobias Lütke wrote in a since deleted open letter that “commerce is a powerful, underestimated form of expression” and argued that the organisation should not take a political view about what content to host, even applauding the work of the American Civil Liberties Union in defending unpopular speech. However, Lütke’s ideals don’t seem to have translated into real world action. In 2018, Shopify took steps to ban groups it deemed ‘right wing’, notably the controversial Proud Boys. Then in 2021, following the Capitol Riots on 6th January, Shopify removed Donald Trump and shops selling his campaign merchandise from the platform, stating that he had violated their policy on “actions that incite violence”. Between subjective policies and a wavering public position on free speech, FSU members should avoid Shopify.

Free Speech Score: 3/10

Recommendation: Avoid

Revolut

Revolut is a finance technology company offering payment services. It describes its service as “One app, all things money”. The Revolut app also has social messaging functions which allows users to communicate with people they’ve made payments to.

Revolut’s policies make it very clear that the service is governed by UK law and this is the jurisdiction under which disputes will be resolved. Although Revolut users do have recourse to the Financial Ombudsman

service, the [Personal](#) and [Business](#) Terms both emphasise that accounts are not covered by the Financial Services Compensation Scheme.

While Revolut's Personal and Business Terms are basically neutral, containing only one subjectively worded clause permitting account closures for activities deemed detrimental to Revolut's "reputation or goodwill", the additional [Community Standards](#) are highly restrictive of users' speech. They also apply to users' conduct on a broad range of platforms, including "any other feature that allows you to interact with or be visible to someone... any interactions you have with our social media accounts... any interactions on the Revolut Community forum or any other platform we provide or use which allows social interaction". Revolut promises to close accounts it considers to be in violation of these Standards, meaning users could experience withdrawal of service because of something they've said on social media. The Personal and Business Terms also suggest that Revolut may try to extract compensation from users where a violation of the terms and conditions "has caused us to suffer a loss".

Although Revolut disclaims all responsibility for the content on its apps, stating that it is "not responsible for any harm resulting from the use of the social media features" and that it "does not represent or imply that it endorses the material posted there, or that it believes such material to be accurate, useful or non-harmful", the Community Standards nonetheless empower Revolut to police the speech of users. The tone of the Standards can be gauged by the subheadings: "Be nice", "Be agreeable", "Be authentic". Revolut's Standards are not just a list of banned activities as seen in other policies reviewed here. Instead, they are a literally speech codes, seeking to micromanage the way users' communicate using the threat of account closure. Users are enjoined to be "always working to improve the discussion in some way... If you are not sure your post adds to the conversation, think over what you want to say" and to "Be respectful".

It is easy to see how lawful speech could be interpreted as not being sufficiently 'nice', 'agreeable', 'authentic' or 'respectful' if Revolut wanted to cancel an account for political reasons. But users are additionally forbidden from engaging in activities like "Critiquing the person, rather than the post or message", as well as "Responding to a post's tone instead of its actual content" and "Knee-jerk contradiction". "Unverified news and rumours" and 'misinformation' add to this avalanche of potential speech crimes for which Revolut has the right to withdraw service. In a section headed "Be on the lookout" users are even told how they should conduct

themselves if they see a user violating these Standards:

When you see bad behaviour, don't reply. It encourages bad behaviour by acknowledging it, it consumes your energy, and it wastes everyone's time.

Revolut's policies give it sweeping powers to cancel accounts and deprive users of essential financial services for an array of speech crimes and its efforts to micromanage the way users communicate are highly invasive.

Free Speech Score: 3/10

Recommendation: Avoid

Crowdfunding Platforms



Donorbox is a technology company that allows users to fundraise, or collect donations for themselves, via online payments.

While Donorbox retains the right to cancel accounts at its “sole discretion”, the company’s founder, Charles Zhang, has said that “popular platforms should be neutral” and that “Hate speech policy is necessary but it has to be explicitly clear”. A statement prefacing Donorbox’s [Acceptable Usage Policy](#) attempts to flesh out this pro-free speech position:

Donorbox aims to provide a donation platform where all valid sides of a conversation can be heard. We do not necessarily share the views of our users and the content they choose to share

When controversial right wing commentator Tommy Robinson was briefly suspended from the platform in 2018, Zhang said:

We are not a platform or a social network that spreads information. Donorbox is a basic financial tool that allows people to give out of their free will. We host donation forms for socialists, conservatives, Muslims, Christians and the LGBTQ community. It’s often that their views clash dramatically.

Robinson’s account was restored and Donorbox subsequently withdrew a subjectively worded clause in their policies forbidding ‘hate’ and ‘intolerance’ against people with protected characteristics. It was replaced with the current wording of the Acceptable Usage Policy, which forbids:

Engaging in, encouraging, promoting, or celebrating unlawful violence toward any group based on race, religion, disability, gender, sexual orientation, national origin, or any other immutable characteristic.

The inclusion of the term ‘unlawful violence’ limits the potential abuse of this clause to cancel accounts for political reasons. Lawfulness sets a high bar for determining violations and justifying withdrawal of service. However, the Acceptable Usage Policy also bans:

Using dehumanizing rhetoric to refer to another racial group, regardless of whether such characterizations are directly involved in the use of Donorbox services or not.

Current controversies over Critical Race Theory leave the words 'dehumanizing rhetoric' open to very broad interpretation, with some activists claiming that it is 'dehumanizing' to question the 'lived experiences' of black and minority ethnic people at all. For example, is it 'dehumanizing' to discuss conservative views about the causes of racial inequality, as commentator Glen Loury does? Some woke activists would argue that it is. This clause also explicitly applies the policy to user conduct unconnected with Donorbox itself, although this seems to apply only to this clause. Further ambiguous wording forbidding 'offensive', 'misleading' or 'inaccurate' claims leave further room for withdrawal of service for political reasons. But the fact that Robinson's account was restored suggests a broad tolerance for dissenting points of view.

Unlike other platforms, Donorbox sets out its policy for dealing with appeals, which are reviewed by "an internal jury". Disputes are resolved with reference to American law, so British users should be aware that they are subject to US jurisdiction. However, there is no transparency about who will hear the appeals and their decisions are "not subject to further discussion". Donorbox also reserves the right to demand "a public apology or renouncement of actions" as a condition of restoring a cancelled account.

Taken as a whole, Donorbox's policies and the public statements of its founder suggest a company genuinely trying to balance respect for free speech with the removal of unlawful and abusive content. The platform has been heavily criticised by outlets like BuzzFeed, which have accused it of "facilitating payments to... the far-right". In the wake of the Robinson cancellation, Zhang wrote:

We are working on a new community policy that will clearly draw the line between controversial activism and real hate... These policies have not been done correctly by any tech companies. We are going to make an attempt.

The FSU thinks that's a laudable aim, but Donorbox isn't getting it quite right yet.

Free Speech Score: 8/10

Recommendation: Use



GoFundMe is a crowdfunding platform that enables individuals to fundraise for a variety of causes, both charitable and non-charitable.

The GoFundMe [Terms of Service](#) give it wide discretion to close accounts and freeze funds for a host of reasons, including expressing political views the company disapproves of. The “Prohibited Conduct” section forbids:

User content that reflects, incites or promotes behaviour that we deem, in our sole discretion, to be an abuse of power or in support of terrorism, hate, violence, harassment, bullying, discrimination, terrorist financing or intolerance of any kind or reflects an abuse of power relating to race, ethnicity, national origin, religious affiliation, sexual orientation, sex, gender, gender identity, gender expression, disabilities or diseases.

The intrinsically subjective nature of terms like ‘hate’, ‘intolerance’ and ‘abuse of power’ is underlined by a provision that permits withdrawal of service where a user is perceived to have violated the “spirit of these Terms of Service”. So you could stick to the letter of these rules and still be kicked off the platform. What guarantee do its users have that the company’s moderators won’t act arbitrarily, given such unusually wide discretion? By contrast, GoFundMe is *extremely* specific about the actions it can take if it decides someone has violated the ‘spirit’ of these terms. The penalties include:

ban or disable your use of the Services, remove the offending User Content, suspend or terminate your account, stop payments to any Fundraiser, freeze or place a hold on Donations.

GoFundMe also extends its thought policing to users’ off-site activities off-site, stating that when investigating a fundraiser it “may consider all available material including but not limited to social media, related news, and any other information that we, in our sole discretion, deem relevant in our review”. *Any* information? So if someone complained that you looked at them in a funny way, GoFundMe could kick you off its platform and keep any funds you’d raised.

In February 2022 GoFundMe froze the fundraiser of the Canadian Freedom

Convoy 2022. The Convoy was protesting mandatory Covid-19 vaccinations and other government imposed Covid measures and its GoFundMe page had reached C\$10m at the time of closure. Hinting that they were responding to political pressure from the Canadian government and law enforcement agents, GoFundMe claimed it had become aware of “reports of violence and other unlawful activity” in association with the Freedom Convoy fundraiser. It eventually refunded people who’d donated to the group. However, in March 2022 the President of GoFundMe, Juan Benitez, was forced to admit that the company had failed to identify any organised criminal or terrorist activity in association with the Freedom Convoy.

GoFundMe’s policies give it extensive grounds for politically-motivated cancellations of its users’ accounts and its actions in relation to the Freedom Convoy appear to have been politically motivated. To date, however, it hasn’t removed the [Free Speech Union’s Fighting Fund](#).

Free Speech Score: 4/10

Recommendation: Treat With Caution



Ko-fi is a crowdfunding platform that enables users to collect donations.

Ko-fi users concerned about free speech should be aware that the Ko-fi [Terms and Conditions of Use](#) explicitly bind users to the policies of a whole host of other service providers, including PayPal, Stripe, YouTube and Twitch. Not only does this make Ko-fi’s users subject to a cascade of third party terms and conditions, all with their own anti-free speech caveats, it also enables Ko-fi to withdraw service on the opaque grounds that their third party partners forbid certain conduct. This has implications for transparency and accountability, allowing Ko-fi to offload responsibility for potentially censorious decisions and making it difficult for targeted users to appeal.

But in any event, the Ko-fi Terms and Conditions of Use assign the platform broad powers to withdraw service “for any reason whatsoever”, so this detail hardly matters. The Terms and Conditions of Use appear to grant Ko-fi an unrestricted license to censor any user it disagrees with. They

further retain the right to “check and remove any content or posting you make on our site if, in our opinion, this is reasonably necessary to protect our business” and state that “you are prohibited from using the Ko-fi platform, service or page in connection with... any other activity that Ko-fi may deem in its sole discretion to be unacceptable”. The phrases “in connection with” and “any other activity” suggest that Ko-fi could, for example, withdraw service based on a user’s social media activity or because they shared an article deemed “unacceptable”.

These clauses alone make Ko-fi a highly risky platform for users with heterodox opinions, but Ko-fi goes even further and forbids “content including links to and from the platform which is fraudulent, misleading, inaccurate or dishonest. Hate speech, intimidation or abuse of any kind targeting any individual, group or institution... etc.” As is made clear above, Ko-fi itself ultimately determines what is deemed ‘misleading’ or ‘hateful’, apparently without objective reference to the law, and their withdrawal of service from the campaign group Conservatives for Women in September 2022 gives some indication of the bias that might inform that determination. Conservatives for Women campaigns on “issues which threaten the safety and dignity of women”, including defending sex-based women’s rights. Ko-fi notified Conservatives for Women that they had suspended their account because:

our guidelines prohibit the targeting and/or undermining of specific groups – in this case those who identify as trans – Ko-fi, in the interest of keeping our community a safe and inclusive space for creators, cannot provide a platform for such views/narratives, either directly on Ko-fi pages or on individual web pages and profiles associated with a Ko-fi page.

It’s worth noting that this explanation implies that even an indirect connection with someone or something that Ko-fi deems unacceptable might be grounds for suspension. Users concerned about free speech should avoid Ko-fi.

Free Speech Score: 3/10

Recommendation: Avoid



Patreon provides services to content creators, enabling them to collect subscriptions for their work.

Unlike many crowdfunding platforms, Patreon makes some explicit references to freedom of speech in its [Community Guidelines](#) and [Terms of Use](#). For example: “We recognize that discussing celebrities, media or other public figures can sometimes involve harsh criticism, and we believe that is an appropriate part of free debate” and “There can be a fine line between political comments and hate speech”. These statements seem to be a recognition of the high degree of subjectivity involved in policing users’ speech and Patreon’s policies emphasise that the company “always gives creators the opportunity to appeal a decision by contacting us and sending any relevant information they believe was not considered”.

However, supporters of free speech should be aware that Patreon’s apparent commitment to open discussion and debate is not reflected elsewhere in its policies, which permit withdrawal of service for a staggering range of speech deemed hateful, misleading or conspiratorial. Likewise, the company’s apparent commitment to due process, is somewhat undermined by the fact that appeals are handled by the company’s Orwellian sounding “Trust and Safety Team” which is empowered to investigate users conduct “off our platform”. Patreon users whose accounts have been cancelled for violating its extensive policy on ‘hate’ are obliged to make “renouncements of past actions and affiliations” to have their accounts restored, and the policies emphasise that the Team’s role is primarily “to educate creators” whose content Patreon deems offensive. This suggests that Patreon actively sees itself as entitled to police the views of its users and, if necessary, encourage them to bring them into line with its own political beliefs. Information about who staffs the Trust and Safety team does not appear to be publicly available, pointing to a lack of transparency.

Patreon has a track record of taking politically-motivated action against its users, based on perfectly lawful things they’ve said. In 2018, the platform withdrew service from a number of conservative accounts, including YouTuber Carl Benjamin and former Students for Trump adviser James

Allsup. Patreon stated that the accounts were banned because “we don’t allow association with or supporting hate groups” and for “violation of hate speech in our guidelines”. (Benjamin and Allsup had criticised identity politics.) Commentator Sam Harris deleted his Patreon account in protest, stating that Patreon appeared to be invoking “hate speech” to cover up its censorship of people with conservative political views.

In a clause broadly banning “hate speech” against “people based on their race, ethnicity, national origin, religion, sex, gender identity, sexual orientation, disability, serious medical conditions, caste or immigration status”, Patreon set out some of its criteria for recognising ‘hate’. These include whether the creator mocks or denies “the experience of victims of hate crimes”. This is a step up from other platform’s policies prohibiting ‘hate’ in that it threatens to penalise users merely for questioning whether someone’s *perception* of a ‘hate crime’ is valid. It isn’t difficult to see how this policy could be used against a Patreon user commenting on, for example, the phenomenon of hate crime hoaxes.

Another criteria for recognising content that is ‘hate speech’ according to Patreon is the use of “code words or proxies to attack people”. Again, this represents an escalation from other policies on ‘hate’ reviewed for this paper. Patreon’s policy forbids not only activities subjectively designated ‘hateful’ but also unrelated words and activities the company deems ‘proxies’ for ‘hate’. A later part of the policy extends this provision to showing “praise or support” for “people or projects affiliated with dangerous, hateful or violent groups, espousing their related ideologies and conspiracy theories, or using their codewords and slogans”. This applies not just to terrorist and criminal groups, but also to “hate organizations... anti-Muslim and anti-Semitic organizations, as well as any group dedicated to attacking LGBTQI+ people”.

It is useful to illustrate the potential application of this policy on codewords with a theoretical example that demonstrates how it could be exploited to censor lawful speech. In 2018, a Liverpool billboard reading “Woman = adult human female” was taken down on the grounds that it was “a symbol that makes transgender people feel unsafe”. The slogan, ostensibly just the dictionary definition of the word ‘woman’, was deemed by transgender activists to be a code for the gender critical belief that transwomen are male. Activists regard this belief as harmful to transgender people, while gender critical feminists regard it as a neutral statement of fact. Under the terms of Patreon’s policy, users could arguably be penalised for using the

phrase “Woman = adult human female” on the grounds that it is a coded form of hate speech directed against trans people. Furthermore, the clause prohibiting “praise or support” for such words means Patreon could have grounds to withdraw service from a user merely for sharing or linking to someone else using the phrase.

Finally, since February 2021 Patreon’s policy on ‘Disinformation’ has stated:

Patreon will not help fund creations that engage in medical misinformation relating to Covid-19, and disinformation related to propagating... conspiracy theories.

In a blog post, Patreon make clear that this clause will be widely applied to content “that would dissuade the public from taking preventative or responsive public health measures (like a vaccine)”. This clause could clearly be used to censor lawful speech raising legitimate concerns about the safety and efficacy of the mRNA Covid-19 vaccines.

The FSU would strongly discourage our members from using Patreon’s services if they are concerned about freedom of speech.

Free Speech Score: 2/10

Recommendation: Avoid

Conclusion: Support New Clause 15 of the Financial Services and Markets Bill

In conclusion, the majority of payment processor and crowdfunding platforms that we've looked at contain subjective language that could easily be interpreted to withdraw service from users for purely political reasons. And this is in fact what's happening, with numerous providers deplatforming users because they disapprove of their perfectly lawful political beliefs. Some of these companies even grant themselves the right to withdraw their services – even helping themselves to your funds – based on speech that's completely unconnected to the platform, e.g. things you've said on social media. If you add in choice of law issues, which frequently define users' rights according to legal systems on the other side of the world, and a hierarchy of increasingly opaque business-to-business user agreements, it is virtually impossible for customers to foresee precisely what they are and aren't allowed to say. The hammer could come down with no warning and no real explanation, as it did for the Free Speech Union.

Perhaps most concerning, some of the platforms we've examined have policies that use the threat of account closure to influence the political views of their users. Patreon's policy on 'renouncements', for instance, suggest it's an organisation that views the provision of financial service as a weapon to advance a political agenda. Users with unorthodox opinions who are dependent for their income on the services of companies like PayPal, which are virtually monopolies, face pressure to modify or not express their lawfully held political views so they can continue to earn a living.

Fully one third of the FSU's income was dependent on membership dues paid via PayPal at the time our account was closed. Thanks to the outcry from our members and supporters we didn't suffer too much, but many ordinary people and small business owners targeted for financial cancellation will not be so lucky. These financial service providers deliver essential

services and cannot be permitted to abuse that power for their own political purposes. The FSU would like to see the law changes so that these companies are forced to respect users' right to freedom of speech. You can help support this effort by emailing your MP [here](#).

